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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,463	09/19/2001	Soo Bong Choi	4409SBC-3	5843

22442 7590 05/07/2004

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EXAMINER

MCCROSKY, DAVID J

ART UNIT	PAPER NUMBER
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3736

12

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/960,463

Applicant(s)

CHOI, SOO BONG

Examiner

David J. McCrosky

Art Unit

3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004 and 29 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 29 December 2003 has been entered.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gravel et al in view of Markart et al and Malave et al. Gravel et al teach a medication delivery pen and a blood glucose monitor that are integrated into a housing. See Figures 4 and 5. A test strip is inserted into a chamber through a test strip interface on the side of the housing. See col. 4, ll. 24-31. Electronics such as a microprocessor are shared between the glucose monitor and the delivery means to eliminate redundant components. See col. 4, ll. 32-47. Electronic circuitry outputs a quantity of insulin to be delivered, records the time and outputs to a display. See col. 3, l. 63 to col. 4, l. 1. A single display presents data from both the glucose monitor and the delivery means. See col. 4, ll. 47-49. Gravel et al further teach a data port for connection to a computer for review by a health professional. See col. 4, ll. 3-6. While teaching that the device

uses well-known electrochemical or reflectance techniques to analyze a test strip, the reference does not disclose the specific features of a measuring lamp, its corresponding chamber or a protrusion member. Markart et al teach a portable test strip analysis system. A protrusion member (24), mounted to a housing, is biased towards the test strip to position it exactly. See col. 5, ll. 20-31 and Figure 4. A measuring lamp is positioned to emit light through a chamber and towards a test field. See col. 6, ll. 14-23. Evaluation electronics (control panel) generate a measurement signal from a detector signal. See col. 6, ll. 51-62. Markart et al further teach a measuring probe (2) with a measuring plate (5) for covering the lamp hole. While providing a display with time and insulin and glucose levels, Gravel et al and Markart et al do not teach the specific form in which the data is displayed. However, Malave et al teach a glucose and infusion pump system having a display for displaying the quantity of insulin dispensed, and variations over time of glucose levels. See Figs. 18A-18C, 20A and 20B and ¶¶ 93 and 94. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the device of Gravel et al the testing elements of Markart et al since Gravel et al require testing elements, which can include reflectance measurement elements, and Markart et al teach details of such an arrangement. Furthermore, it would have been obvious to provide a graphical display, as taught by Malave et al, to deliver simplified and accurate reports for diabetes management.

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. McCrosky whose telephone number is 703-305-1331. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mary Beth Jones can be reached on 703-308-3400. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DJM

Mary Beth Jones
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AV 3736